

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

VS

KEVIN WALKER,

Defendant.

Case No. 4:05CR3088

# MEMORANDUM AND ORDER

Despite the fact that his case is scheduled for trial next week, the defendant orally moves to allow the filing of a motion seeking to suppress a statement regarding his knowledge of marijuana found in a residence. He agrees that the time may be excluded under the Speedy Trial Act. The government has no objection to the continuance. Thus,

IT IS ORDERED that trial of this case is continued. The defendant is also given leave to file a belated a motion seeking to suppress a statement regarding his knowledge of marijuana found in a residence. The motion shall be filed no later than Monday, October 24, 2005. When filed the motion is referred to Magistrate Judge Piester. After consideration of 18 U.S.C. § 3161, and particularly 18 U.S.C. § 3161(h)(8)(A)&(B), the following time is excluded from computation under the Speedy Trial Act in the interests of justice, to wit: the time between this date and the date the undersigned finally resolves the motion after consideration of Judge Piester's report and recommendation. When the motion is resolved, Judge Piester shall reset this case for trial.

October 7, 2005.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge